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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,299	01/25/2000	A.J. Paul Carew	066303.0112	8367
7590	09/15/2004			
Baker 7 Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			EXAMINER PHUNKULH, BOB A	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*AC*

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/491,299	CAREW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bob A. Phunkulh	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

This communication is in response to applicant's 06/22/2004 amendment(s)/response(s) in the application of **Carew et al.** for "**METHOD AND APPARATUS FOR PROVIDING VOICE SIGNALS TO AND FROM A TELECOMMUNICATIONS SWITCH**" filed 01/25/2000. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 36-84 are now pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-39, 41-51, 53-65, 67-76, 78-81, 83-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelletier et al. (US 6,411,704), hereinafter Pelletier.

Regarding claim 36, 48, 61, 75 Pelletier discloses a system for supporting oversubscription, comprising:

-a telecommunications switch (the central office 306, in figure 8) operable to assign a plurality of telephone numbers to a line, to receive an incoming call for one of

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the telephone numbers, and to communicate the incoming call associated with the telephone number using the line (see col. 5 line 59 to col. 6 line 14); and

-a voice gateway (the IP server 308, in figure 8) coupled to the telecommunications switch using the line, the voice gateway operable to receive the incoming call, to detect a distinctive ring, and to communicate the incoming call according to the distinctive ring (*the called party 304 can also subscribe to a distinctive ring service, which provides distinctive ring cadences for incoming calls processed by the IP server 308, and those coming directly from a calling party without first being processed by the IP server 308, see col. 6 lines 29-33*).

Regarding claims 37, 41, 49, 53-55, 62, 65, Pelletier discloses the voice gateway communicates the incoming call by processing the incoming call into digital packets according to the distinctive ring and communicating the digital packets to a customer premises interface for further communication to a customer premises (see col. 6 lines 60-66).

Regarding claims 38, 50, 63, Pelletier discloses the voice gateway processes the incoming call into the digital packets according to the distinctive ring by identifying an address associated with the distinctive ring and assigning the address to the digital packets (see col. 6 lines 60-66).

Regarding claims 39, 51, 64, Pelletier discloses the address is an Internet Protocol (IP), Asynchronous Transfer Mode (ATM), or Frame Relay address (see col. 5 lines 29-34).

Regarding claim 42, Pelletier discloses the telecommunications switch is further operable to assign at least four telephone numbers to the line *(it is known the art that the conventional central office operable to assign at least four telephone numbers to the line)*.

Regarding claims 43, 45, 56, 58, 67-70, 72, 75, 77, 80, 82 Pelletier inherently discloses that the voice gateway is operable to identify an available line from a plurality of lines coupled between the telecommunications switch and the voice gateway (when the ITG 34 received packets from internet 32, the ITG 34 must use available line in order to complete the call, see figure 4; and col. 5 lines 34-52).

Regarding claims 44, 57, 71 Pelletier discloses the voice gateway communicates the outgoing call by receiving digital packets (the ITG 30 received packets from Internet 32), processing the digital packets into a voice signal, and communicating the voice signal to the telecommunications switch using the available line (see figure 4).

Regarding claims 46, 59, 73, 79, 84 Pelletier discloses the telecommunications switch is a Class 5 switch; and the voice gateway is further operable to couple to the

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Class 5 switch without using an overlay Class 5 switch or digital loop carrier architecture (see col. 6 lines 56-59; and col. 3 lines 13-22).

Regarding claims 47, 60, 74, Pelletier discloses the line is an unbundled analog line (see col. 3 lines 13-22).

Regarding claims 78, 83, Pelletier discloses the unbundled lines are Integrated Services Digital Network Basic Rate Interface (ISDN BRI) lines, each ISDN BRI line operable to simultaneously communicate two voice signals between the telecommunications switch and the voice gateway (see col. 3 lines 12-21).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 52, 66, 76, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier in view of Lund (US 5,949,763).

Regarding claims 40, 52, 66, 76, 81 Pelletier fails to explicitly disclose that the customer premises interface is a Digital Subscriber Line Access Multiplexer (DSLAM) operable to communicate the digital packets over a twisted pair in a local loop using a digital subscriber line.

Lund, on the other hand, discloses the central office 20 comprises of DSLAM operable to communicate packets over twisted pair in the local loop using the digital subscriber line (see figure 2).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time of invention was made to provides the teaching of Lund in the system taught by Pelletier in order to provide voice and data services over the existing twisted pairs.

### ***Response to Arguments***

Applicant's arguments filed 6/22/2004 have been fully considered but they are not persuasive.

In response to the applicant's argument in page 13 third paragraph, Pelletier discloses the called party 304 can also subscribe to a distinctive ring service, which provides distinctive ring cadences for incoming calls processed by the IP server 308, and those coming directly from a calling party without first being processed by the IP server 308" (see col. 6 lines 29-34). The IP server 308 receives incoming calls including a call for the called party 304 which is subscribe to a distinctive ring service. Thus, Pelletier discloses the IP sever 308 detects the distinctive ring cadences in the incoming calls and communicate the incoming calls according the distinctive rings without being processed by the server.

In response to the applicant's arguments for claims 48 and 61 in pages 13 and 14, Pelletier discloses the IP server 308 receives incoming calls including a call for the called party 304 which is subscribe to a distinctive ring service. Thus, Pelletier

discloses the IP sever 308 detects the distinctive ring cadences in the incoming calls and communicate the incoming calls according the distinctive rings without being processed by the server (see col. 6 lines 29-34).

In response to the applicant's agreements for claims 75 and 80, Pelletier discloses upon "receiving the data packets containing the service request, the local gateway 226 determines which service platform can provide the services based on parameters included in the service request. . . If the service resides on the service platform 228 attached to the local SSP 218, the local gateway 226 places a call to the service platform 228, which is routed through the local SSP 218. The local gateway 226 and the service platform 228 communicate using conventional circuit-switched telephony protocol" (see col. 5 lines 39-52). Pelletier inherently discloses the gateway communicating the incoming packets over the conventional circuit-switched lines i.e. available unbundled line.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
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P. O. Box 1450  
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(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M.

to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor **Kenneth Vanderpuye**, can be reach on **(571) 272-3078**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Bob A. Phunkulh**



TC 2600  
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September 13, 2004